

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION

|                               |   |                      |
|-------------------------------|---|----------------------|
| VERSATA SOFTWARE, INC., ET AL | § |                      |
|                               | § |                      |
| v.                            | § | No. 2:07-CV-153 (CE) |
|                               | § |                      |
| SAP AMERICA, INC., ET AL      | § |                      |

**ORDER APPOINTING MEDIATOR**

IT IS ORDERED that the Hon. Robert Faulkner (Ret.) of JAMS, 801 North Central Expressway, Suite 610, Dallas, Texas, 75225, telephone number 214/744-5267 and fax number 214/720-6010, is hereby appointed as mediator in the above referenced case. The Court designates plaintiff's counsel to be responsible for timely contacting the mediator and defendant's counsel to coordinate a date for the mediation.

Mediation shall be governed by the Court-Annexed Mediation Plan, Appendix H to the Local Court Rules for the Eastern District of Texas. In particular, the Mediation Plan requires the presence at the mediation conference of all parties, corporate representatives, and any other required claims professionals (e.g., insurance adjusters, etc.) with full authority to negotiate a settlement. Exceptions to this requirement may be made only by the presiding judge in writing.

SIGNED this 6th day of May, 2010.

  
CHARLES EVERINGHAM IV  
UNITED STATES MAGISTRATE JUDGE